

“(2) CONTRACTS WITH CUSTOMERS.—

“(A) IN GENERAL.—The borrowing authority under paragraph (1)(A) shall be effective only after the Chief of Engineers has entered into contracts with each customer under which the customer commits to repay a pro rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1).

“(B) PREPAYMENT.—Any customer may repay, at any time, the pro rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty.

“(C) RISK OF DEFAULT.—Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

“(D) OBLIGATIONS.—Each contract under subparagraph (A) shall include such terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts entered into under subparagraph (A) is estimated to be equal to the obligations of the Army Corps of Engineers for carrying out capital improvements at the Washington Aqueduct at the time that each series of contracts is entered into.

“(E) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

“(i) provide that the customer pledges future income only from fees assessed for principal and interest payments required by such contracts and costs to operate and maintain the Washington Aqueduct;

“(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

“(iii) include other conditions consistent with this section that the Secretary of the Treasury determines to be appropriate.

“(3) LIMITATIONS.—

“(A) BORROWING AUTHORITY.—The Secretary’s borrowing authority for making capital improvements at the Washington Aqueduct under paragraph (1) shall not extend beyond fiscal year 1999.

“(B) OBLIGATION AUTHORITY.—Upon expiration of the borrowing authority exercised under paragraph (1), the Secretary shall not obligate funds for making capital improvements at the Washington Aqueduct except funds which are provided in advance by the customers. This limitation does not affect the Secretary’s authority to conduct normal operation and maintenance activities, including minor repair and replacement work.

“(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 180 days after the date of enactment of this Act [Aug. 6, 1996], the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on the near-term improvement projects in the Washington Aqueduct Improvement Program, work scheduled, and the financial liability to be incurred.

“(f) REISSUANCE OF NPDES PERMIT.—Prior to reissuing a National Pollutant Discharge Elimination System (NPDES) permit for the Washington Aqueduct, the Administrator of the Environmental Protection Agency shall consult with the customers and the Secretary regarding opportunities for more efficient water facility configurations that might be achieved through various possible transfers of the Washington Aqueduct. Such consultation shall include specific consideration of concerns regarding a proposed solids recovery facility, and may include a public hearing.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 48 of this title.

§ 46. Compensation of Chief of Engineers

The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of title 21 of the Revised Statutes.

(R.S. § 1807.)

REFERENCES IN TEXT

Title 21 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 21 of the Revised Statutes, comprising R.S. §§ 1795 to 1835, which were classified to sections 49 to 52 of former Title 3, The President, sections 6 and 7 of former Title 4, Flag and Seal, Seat of Government and the States, section 702 of former Title 18, Criminal Code and Criminal Procedure, and sections 8, 19, 20, 45 to 52, 54 to 58, 66, 102, 166, 170, 187 to 189, 193, 206, 207, 208, 210, 211, 215, 216, 218 to 221 of this title. Such sections 49 to 52 of former Title 3 were repealed by act June 25, 1948, ch. 644, § 3, 62 Stat. 672, and are covered by sections 109 and 110 of revised Title 3. Such sections 6 and 7 of former Title 4 were repealed by act July 30, 1947, ch. 389, § 2, 61 Stat. 645, and are covered by sections 71 and 72 of revised Title 4. Such section 702 of former Title 18 was repealed by act June 25, 1948, ch. 645, § 21, eff. Sept. 1, 1948, as covered by D.C. Code, 1940, § 24-416. Such sections 8, 20, and 218 to 220 of this title were repealed by act Oct. 31, 1951, ch. 654, §§ 1(75)–(80), (82), 3(19)–(21), 65 Stat. 704, 709. Such sections 57, 58, and 221 of this title were omitted from the Code. See notes thereunder.

CODIFICATION

R.S. § 1807 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

§ 47. Apartments of Chief of Engineers

The Chief of Engineers shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the Administrator of General Services, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

(R.S. § 1808; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

R.S. § 1808 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

REPEALS

Section 10 of act Mar. 1, 1919, ch. 86, 40 Stat. 1269, formerly set out as a credit to this section, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

R.S. § 1808 provided that official apartments should be furnished to the Chief of Engineers at the direction of the President. The function of allotment of space in public buildings in the District of Columbia was placed in the Public Buildings Commission by act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 48. Obedience to President by Chief of Engineers

The Chief of Engineers shall obey, in the discharge of the duties mentioned in section 45 of this title, such regulations, pursuant to law, as may be prescribed by the President, through the Department of the Army.

(R.S. §1801; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

R.S. §1801 derived from acts May 2, 1828, ch. 45, §4, 4 Stat. 266; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106; Mar. 30, 1867, ch. 20, §3, 15 Stat. 12.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 49. Record of property by Chief of Engineers

The Chief of Engineers shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

(R.S. §1809.)

CODIFICATION

R.S. §1809 derived from act Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

§ 50. Reports by Chief of Engineers

The Chief of Engineers shall, as superintendent of the Washington Aqueduct, annually submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the Chief of Engineers' charge.

(R.S. §1812; Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 96-470, title II, §202(a), Oct. 19, 1980, 94 Stat. 2242.)

CODIFICATION

R.S. §1812 derived from acts Mar. 3, 1829, ch. 51, §3, 4 Stat. 363; Aug. 4, 1854, ch. 242, §15, 10 Stat. 573; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106.

Provisions of this section which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War [Army] concerning the Chief of Engineers' operations for the preceding year including an account of the manner in

which all appropriations for public buildings and grounds had been applied, were omitted in view of the abolishment of the Office of Public Buildings and Grounds under the Chief of Engineers and the transfer of the functions of the Chief of Engineers and the Secretary of War with respect thereto to the Director of Public Buildings and Public Parks of the National Capital by act Feb. 26, 1925, ch. 339, §3, 43 Stat. 983.

AMENDMENTS

1980—Pub. L. 96-470 substituted "within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year" for "in time to accompany the annual message of the President to Congress, a report of his operations for the preceding year" and "the Chief of Engineers' charge" for "his charge".

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 51. Authority of Chief of Engineers

The Chief of Engineers and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

(R.S. §1810.)

CODIFICATION

R.S. §1810 derived from acts May 2, 1828, ch. 45, §4, 4 Stat. 266; Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 52 of this title.

§ 52. Appeal to Secretary of the Army by Chief of Engineers

The decision of the Chief of Engineers on all questions concerning the supply of water, as provided in section 51 of this title, shall be subject to appeal to the Secretary of the Army only.

(R.S. §1811; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CODIFICATION

R.S. §1811 derived from act Mar. 3, 1859, ch. 84, §1, 11 Stat. 435.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.